

REMARKS

Receipt is acknowledged of the Office Action of December 11, 2003. Claims 1-25, 29 and 30 are currently pending in the application. Claims 1-25, 29 and 30 have been rejected in the Office Action. Applicants respectfully disagree with the Examiner and request reconsideration of the rejection, as explained in more detail below.

Claims 1-25, 29 and 30 were rejected by the Examiner under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,629,076 ("Haken"). According to the Examiner, Haken discloses the method and apparatus claimed in the present application. Applicants respectfully disagree with the Examiner and direct his attention to the specification and amended claims of the present application.

As described in the present specification and claimed in the amended claims, the invention is an eyewear having a frame and a Bluetooth transceiver for short-distance wireless communication, the Bluetooth transceiver being embedded in the frame. (see e.g., Claim 1). The Bluetooth transceiver is configured to form an ad hoc wireless network with a plurality of other devices having similar transceivers mounted on them. As described in more detail in the specification, these devices may include a computer, a bracelet, a telephone, a radio, a CD player, a hand held global positioning satellite system or a heart rate monitor. Thus, because the transceiver is embedded in the frame of the eyewear, the eyewear itself becomes a wireless communication device communicating with other wireless devices. Independent Claims 1, 22 and 29 now recite the limitation of the Bluetooth transceiver being embedded in the frame of the eyewear.

In contrast to the claimed invention, Haken discloses a pair of speech aiding eyeglasses 10 which are hard-wired via cable 30 to a separate wireless communication device 34 which, in turn, communicates with another wireless device 34. Thus, the wireless communication device 34, rather than the eyeglasses, comprises the transceiver. Therefore, it is the wireless communication device 34, rather than the eyeglasses, that creates an ad hoc network with the other wireless device.

Thus, the compact wireless eyewear of the present invention contrasts sharply with the eyeglasses connected to a cell phone disclosed in Haken. Moreover, Haken does not even suggest embedding the transceiver of the cell phone 34 into the frame of the eyeglasses 10. Thus the limitation of independent Claims 1, 22 and 29 requiring embedding of the transceiver into the frame of the eyewear is not met by the cited prior art reference. Claims 1, 22 and 29 are believed to be patentable over the prior art of record.

Additionally, as claimed in independent Claims 22 and 29, the present invention is a system and method for generating an alarm signal having an eyewear with the embedded transceiver and a device wirelessly connected to the eyewear and triggering generation of the alarm signal when the device is distanced from the eyewear and this distance exceeds a predetermined distance from the eyewear.

The cited Haken reference does not disclose any kind of generation of the alarm signal, especially the alarm generation in a manner claimed in amended Claims 22 and 29. Therefore, Applicants believe that Claims 22 and 29 are patentable over the cited prior art.

The dependent claims, 2-21, 23-25 and 30, are rejected over the same Haken reference. However, the written rejection does not address the limitations recited in these claims. Such piecemeal examination is discouraged by 37 C.F.R. § 1.105 and MPEP § 707.07(g). It is

requested that any future Office Action indicate the allowability of any claim that recites a limitation against which no prior art is cited.

Applicants respectfully submit that dependent Claims 2-21, 23-25 and 30 are believed to define patentable subject matter in view of their dependency upon allowable Claims 1, 22 or 29 and, further, on their own merits.

Based on the above, it is believed that the rejection of Claims 1-25, 29, and 30 should be withdrawn. Claims 1-25, 29 and 30 are believed to be in a condition for allowance, which action is respectfully requested.

The Examiner is urged to telephone Applicant's undersigned counsel if it will advance the prosecution of this application. The Patent and Trademark Office is authorized to charge any fees required for the entry of this Response, including fees for an extension of time, and any further fees that are properly assessable in this case, or to credit any overpayment, to Deposit Account No. 50-0675, Order No. 881987-0003. In the event that an extension of time is needed for entry of this Response that is not otherwise provided for, such extension of time is hereby respectfully requested.

Respectfully submitted,

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